IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1419 OF 2005

Vinodkumar Ramswaroop Dwivedi ...Applicant

V/s

The State of Maharashtra ...Respondents
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Mr. H.K. Prem, advocate for the applicant.

Mr. A.S. Shitole, APP for the State.
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CORAM: V.M.KANADE,J.
DATE: 3rd March, 2005

P.C.

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. Applicant takes an exception to the order passed by the Judicial Magistrate, First Class, Uran. By the said order, the Judicial Magistrate, First Class was pleased to permit the applicant to take custody of trailer trucks on executing indemnity bond of Rs 15 lacs with surety of Rs 50,000/- each.

3. Applicant submits that the offence was registered under sections 143, 147, 148, 149, 323 and 341 of the Indian Penal Code against the drivers of the two trailer trucks on account of the fighting between two groups. He submitted that there was no reason to impose these conditions.

4. In my view the conditions imposed by the JMFC will have to be relaxed as the accused is not the owner of the truck and the accused was merely travelling in the said truck. The order passed by the JMFC is, therefore, modified. Applicant is entitled to take custody of both the trailer trucks on executing personal bond of Rs 50,000/- each.

V.M. KANADE,J.